

REMARKS

This Amendment is in response to the Final Action of January 23, 2009 in which claims 1-22 were rejected.

In response to the Office Action, independent claims 1, 8, 12, 17, 21, and 22 have been amended to recite the first identification part comprises an image and the second identification part comprises textual information, that a first identification part of a first function is on the first display area and a first identification part of a second function element is on the third display area, and that the second identification part of a first function element and a second identification part in combination occupy an amount of space that is substantially equivalent to an amount of space occupied by the first identification part of the second function element in said second direction. Support for these amendments can be found in the application as filed, including at paragraph [0016] and Figure 1 of the published application (US 2007/0067736 A1).

Claim Rejections- 35 U.S.C. 103

At page 2 of the Office Action, claims 1-5, 7-15, and 17-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Driskell* (US 6,239,803).

With respect to claim 1, it is asserted that *Driskell* discloses the method as claimed, but does not specifically teach the claimed aspect of second function element having an identification part on the outermost display area or the second identification part of the first function element and the second identification part of the second function element in combination occupy an amount of space that is substantially equivalent to an amount of space occupied by the first identification part of the first function element in said second direction. However, it is asserted that it would have been obvious to a one having ordinary skill at the time of the invention to add these features to the method of *Driskell* in order to arrive at the claimed invention. Applicant respectfully disagrees.

Claim 1 has been amended so as to recite defining three display areas that are substantially adjacent to each other in a first direction, at least two function elements each containing a first identification part comprising an image and a second identification part comprising textual information, and displaying the first identification part of each of the

at least two function elements in the first direction on an outermost display area of plural outermost display areas in such a manner that a first identification part of a first function element is on the first display area and a first identification part of a second function element is on the third display area.

The solution provided by *Driskell* does not comprise these features of amended claim 1. *Driskell* does not disclose defining three display areas substantially adjacent to each other in a first direction, wherein the first and third (the two outermost) areas display images corresponding to a first or second function element and the second display area displays textual information for both a first and second function element. Because *Driskell* discloses using two columns of lists to display items, it would require four display areas to show text and image information for a pair of items.

Furthermore, it is asserted by the Office that *Driskell* does not teach the second identification part of the first function element and the second identification part of the second function element in combination occupy an amount of space that is substantially equivalent to an amount of space occupied by the first identification part of the first function element in said second direction, but that it would have been an obvious matter of design choice to a skilled artisan at the time the invention was made to use the method of displaying the second identification part (as disclosed by *Driskell*) such that the second identification part of the first function element and the second identification part of the second function element in combination occupy an amount of space that is substantially equivalent to an amount of space occupied by the first identification part of the first function element in the second direction, since such a modification would have involved the mere application of a known technique to a piece of prior art ready for improvement. Applicant respectfully disagrees with this assertion.

Making such a modification to the invention of *Driskell* would not be obvious, nor would it be an advantageous or logical modification to make. As can be seen in each of the embodiments shown in Figure 1A, as well as Figure 1C, of *Driskell*, each page comprising list items also comprises a central area termed “function areas” (*Driskell*, column 11, lines 61-62). The function area in the center is in contact with each of the items, regardless of the number of items.

As amended claim 1 recites that the second identification parts of the first and second function elements are aligned next to each other, such that the second identification parts occupy an amount of space that is substantially equivalent to an amount of space occupied by the first identification part of the first function element in a second direction, and substantially equivalent to an amount of space occupied by the first identification part of the second function element. It can be inferred from this feature of the claim that the first identification part of the first function element occupies an amount of space substantially equivalent to an amount of space occupied by the first identification part of the second function element.

Because of the central function area used in *Driskell*, it would be impossible to make such a modification. Using “Label #1” and “Label #2” in Figure 1A as an example, even if each had a corresponding image and all of the text and images could be displayed on three displays, it still would not result in the images occupying an equivalent amount of space. The central area would inherently occupy some of the space that would otherwise be used by the image adjacent to the central area, as would the textual part of the opposing item, as each of the items in *Driskell* is in contact with the central area. This would become an even greater problem in the event that when listing more than four items, which is the intent in *Driskell*, as it is 6-16 items are the ideal number for on one display (*Driskell*, column 4, lines 10-15). For example, there is no obvious way that Label #51 and Label #52 could have their design modified as suggested by the Office, in a manner that conforms to the claimed method and still has each Label in contact with the central area.

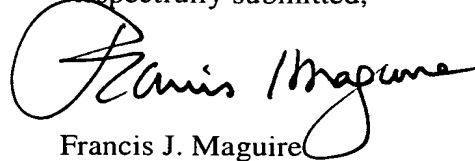
Therefore, because *Driskell* does not disclose all of the features of claim 1 as amended, and it would be difficult and disadvantageous to modify the method of *Driskell* by incorporating the features of claim 1 as amended, it is respectfully submitted that claim 1 as amended is not unpatentable as obvious under 35 U.S.C. 103 in view of *Driskell*, and is in allowable form.

Because the remaining independent claims 8, 12, 17, 21, and 22 have been amended in a manner similar to claim 1, it is respectfully submitted that these claims are also in allowable form.

At least in view of their dependency on the independent claims, it is respectfully submitted that claims 2-7, 9-11, 13-16, and 18-20 are also in allowable form.

The objections and rejections of the Office Action of January 23, 2009, having been obviated by amendment or shown to be inapplicable, withdrawal thereof is requested and passage of claims 1-22 to issue is earnestly solicited.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Francis J. Maguire". The signature is fluid and cursive, with the first name "Francis" being more prominent than the last name "Maguire".

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